

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DRUMMOND COMPANY, INC.,

Plaintiff,

v.

BLUE CROSS and BLUE SHIELD of
ALABAMA, INC.,

Defendant.

CIVIL ACTION NO.

CV-00-AR-1354-S

U.S. DISTRICT COURT
N.D. OF ALABAMA

ENTERED

SEP 20 2000

ORDER

The court conducted an in-chambers hearing for the purpose of resolving the conflicting proposals submitted by the parties to fix a schedule for managing the above-entitled case, and to consider the motion by plaintiff seeking to compel defendant to respond to plaintiff's discovery requests bearing on plaintiff's anti-trust claim. After consideration, it is ORDERED as follows:

1. Discovery is hereby suspended as to the anti-trust claim until further order of the court.

2. If defendant, as is its presently expressed intent, still desires to file an earlier motion for summary judgment challenging plaintiff's anti-trust claim without discovery, defendant shall do so on or before October 27, 2000, and the sooner the better. All of defendant's evidentiary support for such a motion shall be filed with its motion, after which plaintiff shall have fourteen (14) days within which to respond.

3. Although discovery on all issues except the anti-trust

claim shall proceed without limitation, the final deadlines for the completion of discovery, the amendment of pleadings, the filing of dispositive motions, etc., shall be deferred until the court rules upon defendant's proposed motion for summary judgment on the anti-trust claim, or until defendant informs the court that it does not intend to file such a motion, or until the deadline for filing such motion passes without such a motion having been filed.

4. Subject to the limitations set forth above, plaintiff's motion to compel is DENIED, but without prejudice to a similar motion being filed after a ruling on defendant's proposed motion for summary judgment or after discovery is allowed on the subject of the anti-trust claim.

DONE this 20th day of September, 2000.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", with a checkmark at the end.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE